

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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Received
PATENT DEPARTMENT
JUL 29 2004
PCT Preston Gates Ellis

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing
(day/month/year)23 JUL 2004

Applicant's or agent's file reference

REPLY DUE

within 1 months/days from
the above date of mailing

223017

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US03/18270

11 June 2003 (11.06.2003)

02 August 2002 (02.08.2002)

International Patent Classification (IPC) or both national classification and IPC

IPC(T): B05D 3/00, 3/10, 7/14; A61L 27/00, 27/28, 27/54, 31/00, 31/16, 33/00 and US Cl.: 427/2.1, 2.24, 2.25, 299, 301, 322, 327, 337407.1, 409

Applicant

THE GOVERNMENT OF THE UNITED STATES OF AMERICA, RE

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 02 December 2004 (02.12.2004).

Name and mailing address of the IPEA/US

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Commissioner for Patents
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Alexandria, Virginia 22313-1450

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Jennifer K. Michener

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WRITTEN OPINION

In _____ational application No.
PCT/US03/18270

I. Basis of the opinion

1. With regard to the elements of the international application:^{*}

the international application as originally filed

the description:

pages 1-32 _____, as originally filed

pages NONE _____, filed with the demand

pages NONE _____, filed with the letter of _____.

the claims:

pages 33-39 _____, as originally filed

pages NONE _____, as amended (together with any statement) under Article 19

pages NONE _____, filed with the demand

pages NONE _____, filed with the letter of _____.

the drawings:

pages NONE _____, as originally filed

pages NONE _____, filed with the demand

pages NONE _____, filed with the letter of _____.

the sequence listing part of the description:

pages NONE _____, as originally filed

pages NONE _____, filed with the demand

pages NONE _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

contained in the international application in printed form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

the description, pages NONE _____

the claims, Nos. NONE _____

the drawings, sheets/fig NONE _____

5. This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.
PCT/US03/18270

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V.1. Reasoned Statements:

The opinion as to Novelty was positive (Yes) with respect to claims 6-7, 11-17, 19-21, 24-25, 27-31, 35, 37-39, and 42

The opinion as to Novelty was negative (No) with respect to claims 1-5, 8-10, 18, 22-23, 26, 32-34, 36, 40-41, and 43

The opinion as to Inventive Step was positive (Yes) with respect to claims NONE

The opinion as to Inventive Step was negative (NO) with respect to claims 1-43

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-43

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE